

THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

MICHAEL MILLIRON, :  
Plaintiff, : CIVIL ACTION NO. 1:21-CV-663  
: (JUDGE MARIANI)  
: (Magistrate Judge Carlson)  
v. :  
KIKOLO KIJAKAZI, Acting :  
Commissioner of Social Security,<sup>1</sup> :  
Defendant. :  
:

FILED  
SCRANTON

MAR 08 2022

ORDER

Per \_\_\_\_\_  
DEPUTY CLERK

AND NOW, THIS 8<sup>th</sup> DAY OF MARCH 2022, upon review of Magistrate

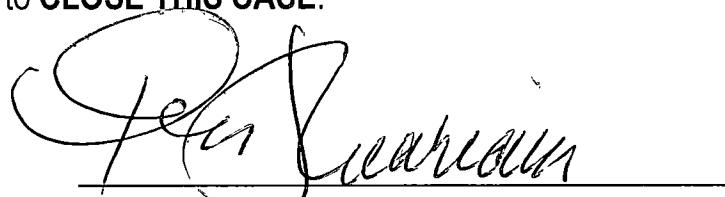
Judge Martin C. Carlson's Report and Recommendation ("R&R") (Doc. 18) for clear error or manifest injustice, **IT IS HEREBY ORDERED THAT:**

1. The R&R (Doc. 18) is **ADOPTED** for the reasons set forth therein;
2. Plaintiff's appeal of the Acting Commissioner's decision (Doc. 1) is **GRANTED**;
3. The Commissioner of Social Security's decision is **VACATED**;
4. The case is **REMANDED** to the Acting Commissioner for further consideration consistent with Magistrate Judge Carlson's R&R (Doc. 18);

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<sup>1</sup> Kilolo Kijakazi became the Acting Commissioner of Social Security on July 9, 2021. She is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d) (providing that when a public officer sued in his or her official capacity ceases to hold office while the action is pending, "the officer's successor is automatically substituted as a party."); see also 42 U.S.C. § 405(g) ("Any action instituted in accordance with this subsection shall survive notwithstanding any change in the person occupying the office of Commissioner of Social Security or any vacancy in such office.").

5. The Clerk of Court is directed to **CLOSE THIS CASE.**



\_\_\_\_\_  
Robert D. Mariani  
United States District Judge